

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 COME-00 CIAE-00 INR-07 NSAE-00

L-03 PRS-01 /031 W

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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 2195

INFO AMCONSUL MONTREAL

UNCLAS OTTAWA 0230

POUCHED INFO ALL OTHER AMCONSULS CANADA

E.O. 11652: N/A

TAGS: ETRD, EIND, CA

SUBJ: WESTINGHOUSE TRADEMARK

REF: A. 76 OTTAWA 1290 (NOTAL)

B. 76 OTTAWA 2236 (NOTAL)

C. 76 OTTAWA 4517 (NOTAL)

1. ACCORDING TO PRESS REPORTS, WESTINGHOUSE HAS AGREED TO RELINQUISH USE OF ITS TRADE NAME ON APPLIANCE AFTER JUNE 30, 1977 WHICH SHOULD LEAVE WAY CLEAR FOR WCI CANADA TO BEGIN MARKETING WHITE-WESTINGHOUSE BRANDS. REPORTED FOUR-WAY AGREEMENT BY TWO CANADIAN COMPANIES AND U.S. PARENTS, WESTINGHOUSE ELECTRIC OF PITTSBURGH AND WHITE CONSOLIDATED INDUSTRIES OF CLEVELAND, PROVIDES THAT WESTINGHOUSE WILL TAKE WHATEVER ACTION IS NECESSARY WITH CANADIAN REGISTRAR OF TRADEMARKS TO ENABLE WCI CANADA TO TAKE OVER SOLE RIGHTS TO NAME AND TRADEMARK.

2. IN CHECK WITH BUREAU OF INTELLECTUAL PROPERTY (CORBEIL), EMBOFF LEARNED THAT TRADEMARK OFFICE SUPRISED BY PRESS ANNOUNCEMENT AND CONFIRMED THAT NO NEW APPLICATION FOR WESTINGHOUSE TRADEMARK HAS BEEN UNCLASSIFIED

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FILED BY ANYONE. PREVIOUS APPLICATION BY WCI CANADA HAD BEEN REJECTED BECAUSE IT MIGHT, ACCORDING TO TRADEMARK OFFICE, "CREATE CONFUSION IN MARKET PLACE."

3. CANADIAN APPLIANCE MANUFACTURING COMPANY (CAMCO), FORMED BY MERGER OF APPLIANCE DIVISIONS OF GSW LIMITED AND CANADIAN GENERAL ELECTRIC CO., BEGAN OPERATIONS

LAST WEEK. CAMCO WAS CREATED UNDER AEGIS OF MINISTER OF INDUSTRY, TRADE AND COMMERCE (ITC) JEAN CHRETIEN AND IS EXPECTED TO PURCHASE APPLIANCE DIVISION OF WESTINGHOUSE CANADA WHEN DETAILS HAVE BEEN WORKED OUT (REF C). PRESS ALSO REPORTS AND ITC (HOLLBACH, ELECTRICAL BRANCH) CONFIRMS THAT ONE OF MAJOR UNCERTAINTIES FOR CAMCO IS STILL QUESTION OF WHO OWNS WESTINGHOUSE NAME AND TRADEMARK WITH CAMCO CLAIMING TRADEMARKS RIGHTS STOP AT BORDER, WHILE WCI CANADA CLAIMS IT HOLDS RIGHTS BY VIRTUE OF FACT ITS PARENT, WHITE CONSOLIDATED INDUSTRIES, ACQUIRED TRADEMARK IN U.S. WHEN IT TOOK OVER WESTINGHOUSE APPLICANT DIVISION THERE. ALSO, ALTHOUGH MINISTER CHRETIEN STILL APPARENTLY STICKING TO HIS POSITION NOT TO REQUIRE FIRA REVIEW OF MERGER, INTERNAL GOC DIFFERENCES ARE REPORTED AS LEGAL EXPERTS OF DEPARTMENT OF JUSTICE HAVE CONCLUDED AMALGAMATION SHOULD BE REVIEWED BY FIRA; HOWEVER, HOLLBACH TOLD EMBOFF IT UNLIEKLY FIRA REVIEW WILL BE REQUIRED SINCE FIRA IS AN ADVISORY GROUP TO ITC MINISTER AND IT IS NOT LIKELY HE WILL MAKE REQUEST FOR REVIEW, ALTHOUGH HE MAY DO SO IF OUTSIDE PRESSURES BECOME TOO STRONG. (VOTING SHARES IN CAMCO ARE DIVIDED ON 50-50 BASIS BETWEEN GSW AND CGE. GSW IS CANADIAN OWNED; CGE IS 92.6 PERCENT OWNED BY US GENERAL ELECTRIC. NON-VOTING SHARES REFLECT RELATIVE SIZES OF TWO PARTNERS--40 PERCENT FOR GSW AND 60 PERCENT FOR CGE.)

4. APPEARS BATTLE OVER TRADEMARK ISSUE STILL NOT UNCLASSIFIED

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SETTLED AND CAMCO MERGER MAY YET BE SUBJECT TO FIRA REVIEW. HOLLBACH, HOWEVER, BELIEVES GSW AND CGE MERGER AND PURCHASE OF ASSETS AND LIABILITIES FROM WESTINGHOUSE CANADA SO FAR DOWN LINE NOW THAT PLANS FOR AMALGAMATION NOT LIKELY TO BE REVERSED EVEN THOUGH TRADEMARK QUESTION MAY HAVE TO BE DECIDED IN COURT.
ENDERS

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Message Attributes

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Sent Date: 20-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
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Document Source: CORE
Document Unique ID: 00
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Executive Order: N/A
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